

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION  
2008 MAR 25 A 9:24

ZEPHYRINUS EGBUONU,  
#27041-265

Plaintiff,

v.

CAPTAIN BARRETT, *et al.*,

Defendants.

DEBRA P. HACKETT, CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

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2:07-CV-998-WKW

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AFFIDAVIT RESPONSE TO KIM THOMAS'S AFFIDAVIT

Before me, the undersigned authority, Notary Public in and parish and State of Louisiana at large, personally Zephyrinus Egbuonu, who being known to me and being by me first duly sworn deposes any says on oath as follows:

My Name is Zephyrinus Egbuonu, I am presently at immigration civil detainee at the Federal Detention Center in Oakdale, Louisiana and a former inmate of Kilby Correctional Facility, Mount Meigs, Alabama from September 2005 to August 1, 2006. Ex. 28 I am over nineteen (19) years of age. Kilby Correctional Facility ("KCF") is a Alabama Department of Corrections ("ALDOC") system.

General Counsel Kim Thomas was the General Counsel for the Alabama Department of Corrections Legal Division ("ALDOC LD") and has being with the ALDOC LD for over past twelve (12) years.

General Counsel Thomas is responsible for providing legal advice to staff members regarding the law library and assist them

**EXHIBIT 9**

if necessary, in ordering the required material. Ex. 101

General Counsel Thomas has a duty to advise the Office of Primary Responsibility ("OPR"); Commissioner, Deputy Commissioner Staff Unit, Warden, Director, Office, or activity having functional responsibility for the program, procedure, law, rule, or regulation matter. Ex. 100, 101

Genuine issue of material fact existed as to whether the General Counsel Thomas did and or did not advised the OPR as with respect to Inmate Egbuonu's civil complaint request made to the KCF which were the moving force behind the prison official violating Inmate Egbuonu's First and Fourteenth Amendments of the United States constitutional rights. Ex. 52, 54, 56-58, 67, 100, 101

General Counsel Thomas failed to advise the OPR to provide inmates with access to: 1) legal material cited by the government just like in Inmate Egbuonu's matter before this Honorable Court; 2) law library desktop computer non-interest Lexis/Nexis database; 3) adequate law library with adequate desktop computer database terminal; 4) current legal citation decisions as the courts announced the decisions; 5) a trained paralegal law librarian clerks; 6) out of state legal citations outside 5th and 11th federal circuit; 7) internet incoming mail material text prints; 8) Courts, and his failure to advise the OPR correctly was the moving force behind the Inmate Egbuonu's constitutional rights violations. Ex. 2-3, 41-42, 44-48, 61-62, 67-68, 71-73, 81, 83-87, 93, 100-107, and Def, Ex. 10.

General Counsel Thomas was the ALDOC LD at the time: 1) KCF Warden Terrence McDonnell enacted KCF SOP VII-6 Inmate Privileges which provides:

**"3. All incoming letters will be inspected for contraband money and/or abuse of mail privileges before the delivery to the inmate**

**a. Any type of internet material is prohibited"**

KCF Standard Operating Procedure ("SOP") Number: VII-6 (II)(A); Def. Ex. 10, in the 21st Century irrespective of the First and Fourteenth Amendment of the United States constitution; 2) the ALDOC entered into a contract with Lexis Nexis (non-interenet database) to provide legal materials in DVD format and two desktop computer with Lexis Nexis database for over 900 inmates at KCF; 3) the ALDOC limited inmates access to the Fifth and Eleventh Circuit Court of Appeals decisions and United States Courts decisions within the judicial; 4) the ALDOC/KCF deliberately forced inmates to expose and submit their legal work and research to the law librarian clerk to receive assist using the desktop computer; 5) the ALDOC/KCF system denied inmate direct access to use the desktop computer Lexis Nexis database without exposing their legal work to a third party;law librarian clerk.

General Counsel Thomas failed to advise the OPR that the stated above described may violate inmates' First and Fourteenth Amendments to the constitution as to a point that inmates are being deprived access to the Courts in the Unites States to commence their litigation.

General Counsel Thomas statement that:

**"prior to the awarding of the contract to Lexis Nexis, the law libraries contained the above material in printed form"**

in part is inaccurate when the law library contained more legal printed form informations icluding all Federal Court decisions

than what is available in the KCF institution law library desktop computer Lexis Nexis database. Inmates were denied access to decisions from other United States Circuit and District Courts except Fifth and Eleventh Circuit and District Courts.

General Counsel Thomas failed to provide Inmate Egbuonu adequate law library and access to legal materials and access to the Court when he and others failed to provide Inmate Egbuonu with legal Citation decisions, resources and information that Inmate Egbuonu requested which was forwarded and faxed to him by the KCF prison officials. Ex. 2, 54, 56-58, 68, 87, 97 and Def. Ex. 11

General Counsel Thomas failed to provide Inmate Egbuonu adequate law library and access to legal materials and Courts when General Counsel Thomas took over weeks to inform KCF prison official that inmates' requested legal materials were not available and in respond to other requests made by Inmate Egbuonu. Ex. 2, 56-58, 68, 87, 97, Def. Ex. 11

Inmate Egbuonu that General Counsel Thomas have not presented the Court with an adequately developed records that he received from Inmate Egbuonu and KCF prison officials as with respect to Inmate Egbuonu claim for relief from the Court meaningfully evaluate the asserted governmental interest, whether a valid and rational connection exists between the regulation and that interest, whether alternative to Inmate Egbuonu, the effect accomodating the right would have on prison official and inmates, or the absence of ready alternatives, despite that Inmate Egbuonu did notified and informed General Counsel Thomas and others about the unconstitutional access denial and situation that existed at the KCF. Ex. 50-

58, 68, 87, 97

General Counsel Thomas has a constitutional obligations to take reasonable measures to advise the OPR and guarantee inmates like Inmate Egbuonu has: 1) access to legal materials (legal citation decisions, statutes, resources, informations and others); 2) right of access to incoming mail containing internet generated downloaded material text prints; 3) right of access to the adequate law library, rights of access to the Courts; 4) train prison official on how conduct their duties and protect inmates' constitutional rights such as to develop and or enforce a policy of sharing informations regarding legal materials and deviate from unconstitutional policy that violates inmates' constitutional rights. Ex. 44-58, 58, 87, 97, and Def. Ex. 10. See Ex. 98-107

General Counsel Thomas failed to fulfill and meet the stated above described constitutional obligations when he failed to make available the legal materials Inmate Egbuonu requested and his failure to fulfill and meet the sated above constitutional obligations were the moving force in violation of the Inmate Egbuonu's constitutional rights by the others at ALDOC and KCF.

General Counsel acted negligently, recklessly disregarded acted with actual malice or intent and with deliberate indifference when he failed to advise OPR as with respect to stated above constitutional obligation and did nothing and failed to intervene, re-advise and correct and protect Inmate Egbuonu's constitutional rights after being informed and notified by Inmate Egbuonu. Ex. 56-58, 68, 87, 97. General Counsel Thomas violated Inmate Egbuonu's constitutional rights when he failed to respond and pro-

vide Inmate Egbuonu the stated above constitutional obligations nor provide or make available an alternative solution. Ex. 50-58, 68, 87, 97 General Counsel Thomas actions and inactions as with respect to the Inmate Egbuonu's constitutional rights violations were also the moving force behind the violations and caused Inmate Egbuonu irreparable suffer, harm and injury. Moreso, General Counsel Thomas was the ALDOC LD general counsel responsible to advise the OPR whether an inmate shall not receive or have access to legal materials, access to adequate law library, access to the court, and incoming mails containing internet material text prints.

At no time did General Counsel Thomas provide or make available the legal materials Inmate Egbuonu requested where not in the KCF law library nor made available alternative in which Inmate Egbuonu could receive it. Ex. 50-58, 68, 87, 97 General Counsel Thomas acted with deliberate indifference when he failed provide inmates like Inmate Egbuonu the legal citation decisions he requested and a way of knowing when the State, Federal, United Supreme Courts announce a new decisions effecting his incarceration. Inmate at the KCF have no access to current decision as announced by the courts and have no access to desktop computer database which happens to be updated on a quarterly basis. Ex. 50-58, 68, 87, 97

General Counsel Thomas has caused Inmate Egbuonu to suffer irreparable harm and injury when his advise, policy and custom and conducts failed to provide Inmate Egbuonu access to the law library desktop computer database for research, adequate law library, legal materials cited by the government and used to deny Inmate

Egbuonu his claim for relief. Ex. 50-58, 68, 87, 97

General Counsel Thomas has no policy in place to provide Inmate Egbuonu legal citation decisions outside Eleventh and Fifth Circuits Inmate Egbuonu needed to review, commence his pleading timely to Federal Courts and in doing so violated Inmate Egbuonu's Constitutional Rights.

General Counsel Thomas has failed to advise the OPR to place a policy and information in place to have legal citation decisions cited by the government against inmates ready and available in the law library for inmates like Inmate Egbuonu to review and commence his pleading timely to various courts.

General Counsel Thomas totally and recklessly disregarded the stated above and acted with deliberate indifference and did nothing to advise and correct deficit and failed to: a) fashion a policy addressing Inmate Egbuonu's complaint after being notified and informed; 2) failed to make a good faith effort to advise and implement or request that OPR enforce the policy rules and regulations consistent to constitutional mandates and protect inmates' like Inmate Egbuonu's Constitutional rights; 3) failed to advise the prison officials on how to conduct their duties, abide by ALDOC AR and Constitution and protect inmates like Inmate Egbuonu from being denied access to the stated constitutional obligations; 4) failed to respond to Inmate Egbuonu's complaints requesting for legal assistance. Ex. 50-58, 68, 87, 97 and Def. Ex. 5

At no time General Counsel Thomas responded to Inmate Egbuonu's letters to him requesting his assistance to obtain the legal materials necessary and needed by Inmate Egbuonu to review, research, prepare, serve, file and commence federal courts as with

respect to Inmate Egbuonu's exhausted States' writ. EX. 1, 14, and other civil rights litigations.

General Counsel Thomas delays and not to respond to Inmate Egbuonu's request was unreasonable based upon the informations known to him at the time and as such, General Counsel acted with deliberate indifferences not to protect Inmate Egbuonu's Constitutional rights, and failed to advise the OPR and others that internet prohibit violates inmates like Inmate Egbuonu's Constitutional rights as with respect to incoming mails containing internet material text prints. Ex. 44-48, 61, 81, 100-1006 and Def. Ex. 3, 4, 5.

General Counsel Thomas recklessly disregarded that the stated above described constitutional obligations and is to prevent the first unconstitutional conduct actions and inactions from occurring and: 1) perpetually failed to advise the OPR and others to apply and enforce rules, precautions and due process to bar unconstitutional conducts from occurring; 2) perpetually failed to advise the OPR and others to protect inmates' constitutional rights under the First and Fourteenth Amendments of the United States Constitution; 3) failed to advise the OPR and others in respect to the stated above described constitutional obligations and as a result Inmate Egbuonu has suffered under General Counsel Thomas failure to advise and continued to suffer.

It is unconstitutional for General Counsel Thomas to deny Inmate Egbuonu's access to the stated above described regardless of whether that denial is occurring under the plain language of the ALDOC, KCF, Contract Counsel regulation(s) or by virtue of the manner in which prison officials were screening the access.



Ex. 2-3, 41-42, 44-48, 53-58, 61-62, 67-68, 71-73, 81, 84, 87, 93, 97, 100-107.

General Counsel Thomas has failed as a General Counsel when he failed to establish legal assistance, advise, coordinate with others including prison officials and contractors which would have: 1) prevented and discourage prison officials and contractors from violating inmates like Inmate Egbuonu's constitutional rights; 2) alerted Alabama Department of Justice and Judicial Systems to provide the ALDOC and KCF the legal materials or funds to purchase legal materials that inmates like Inmate Egbuonu requested and needed to commence his exhausted States' denied writ. EX. 1, 13, 14

General Counsel Thomas has failed to coordinate Inmate Egbuonu request for legal materials with the appropriate office and prison officials that would have assisted and provide Inmate Egbuonu the legal material that he requested. General Counsel has failed to respond to Inmate Egbuonu's request. Ex. 50-58, 68, 87, 97

General Counsel Thomas advise or misadvise and support of the policy and custom that failed provide inmates the legal materials inmates needed when the prison officials forced inmates like Inmate Egbuonu to depend on the inmates' law librarian clerks to conduct search of legal materials including legal citation decisions from the computer database for him was the moving force behind Inmate Egbuonu's constitutional violations when the prison officials were not properly advise which led to deny of Inmate Egbuonu's numerous current legal citation decisions that he needed

to review that were in the law library desktop computer database. Ex. 52, and Def. Ex. 3, 4, 5.

General Counsel Thomas failed to provide Inmate Egbuonu the legal materials and assistance he requested and necessary for his legal research despite that he was notified and properly informed by Inmate Egbuonu, but General Counsel Thomas recklessly disregarded and acted with deliberate indifference and failed to intervene. Inmate Egbuonu suffer as a result of the failure.

General Counsel Thomas as a general counsel of ALDOC LD has failed to establish how over 900 inmates at KCF can adequately access to Lexis Nexis available law library two desktop computer database for their respective research and shepardize legal citation decisions and meet court due dates to commence their pleading in various court.

General Counsel Thomas under his advise or misadvise supported the policy and custom that failed to provide inmates adequate law library and access to the court when: 1) he failed to provide inmates with adequate number of desktop computer database in the absence of current books for inmates' research and preparation of their legal documents to serve, file to the courts to commence personal liberty interest. Ex. 52, and Def. Ex. 3, 4, 45 Inmate Egbuonu suffered under the stated above advise or misadvise.

General Counsel Thomas is afraid and have no interest to rehabilitate inmates in the state of Alabama in the 21st Century technology, when he and others perpetually deny inmates access to use the inmates' two desktop computer Nexis Nexis database containing updated legal citation decisions and forced inmates like

Inmate Egbuonu to depend on KCF law librarian clerks to provide him with their research and Inmate Egbuonu has no way of knowing and verifying whether the inmate law librarian actually do conduct crisp and precise research that he requested and a result Inmate Egbuonu suffered and to continue to suffer. Ex. 52

General Counsel Thomas was aware and possessed knowledge that institution law librarian clerks has no time for assisting indigent inmates who have no money or items to pay inmate law librarian clerk for the computer database research but totally recklessly disregarded and acted with deliberate indifference to deny inmates like Inmate Egbuonu access to use the inmates' law library desktop computer to conduct his research in the 21st Century technology but access were given to other inmates law librarian clerks.

Inmate Egbuonu has never waived his personal interest to conduct his legal research on the law library desktop computer database, however General Counsel Thomas advise to others and others forced Inmate Egbuonu to surrender his research to the law librarian clerk which lacks knowledge about Inmate Egbuonu's criminal case. Inmate Egbuonu has suffered under General Counsel Thomas's advise and supported custom and policy.

Inmate Egbuonu was denied access to his incoming mail containing internet generated downloaded legal material text prints in part that were not available at the KCF institution law library; Ex. 2, 44-48, 53-58, 61, 67-68, 81, 83-87, 93, 100-107 and General Counsel Thomas failed to advise OPR and others including prison officials and contractors to abide by their ALDOC AR, and Constitution of the United States and conduct their duties to protect

inmates' constitutional rights.

General Counsel Thomas in his filed affidavit failed to address whether internet materials is a threat to the safety and security of the public, staff, inmates and at KCF but not in Staton Correctional Facility ("SCF") and other institution in Alabama with the same common interest. Ex. 44-48, 100, 1006-107 and Def. Ex. 1, 2, 3, 4, 5.

General Counsel Thomas was aware and possessed knowledge of the KCF institution policy which provides that incoming mail containing internet is prohibited. Def. Ex. 10 However, General Counsel Thomas in his filed affidavit failed to address whether the KCF SOP Number VII-6 internet policy is consistent with the ALDOC AR , States and Federal Laws and First and Fourteenth Amendments of the United States Constitution. EX. 100-102, 104, 106-107 and Def. Ex. 3, 4, 5, 10

General Counsel Thomas and other failed to address and disclose to the court whether the KCF SOP Number VII-6 dated 01-27-03 was effective under the ALDOC AR 018 dated 03-19-85 and ineffective under the ALDOC AR 018 dated 03-29-05 and or prison officials have failed to abide by the updated ALDOC AR 018 dated 03-29-05 and constitution of the United States. Ex. 100, 107 and Def. Ex. 10

General Counsel Thomas failed: 1) to abide by the 2005 ALDOC AR policies and advise the OPR within the parameters specified and set forth by the laws of the State of Alabama in conjunction with the 2005 ALDOC AR policies and directives of ALDOC Commissioner, Ex. 100, 101, 107, Def. Ex. 10; 2) to advise and

and ensure that the KCF SOP's are complete current and consistent with the parameters specified and set forth by the laws of the State of Alabama and Federal Constitutional law in conjunction with the ALDOC AR; 4) to advise OPR and others to updated SOP annually to be consistent with ALDOC AR 018, 448. Ex. 100, 107. No records presented by the KCF and or ALDOC in this matter that indicated that the KCF SOP VII-6 has been: 1) current; 2) updated annually; 3) consistent with ALDOC AR, as required by ALDOC AR 108. As a result of the stated above failure, Inmate Egbuonu's constitutional rights were violated and Inmate Egbuonu suffered. Ex. 3, 44-48, 61, 81, 99-107 and see Def. Ex. 10.

General Counsel Thomas was the general counsel of ALDOC LD and was aware of the 2005 ALDOC AR mandates but recklessly disregarded and acted with deliberate indifference and failure to advise others to abide by the directive of ALDOC AR as with respect to Inmate Egbuonu's numerous complaints and requests for: 1) access to legal materials including legal citation decisions, statutes, resources, informations, which were not available in the KCF institution law library; 2) right of access to adequate law library when legal citation decisions cited by government were not available in the law library and inmates were not allow to use the law library computer desktop database containing updated legal citation decisions to reserach and prepare their respective court pleading; 3) rights of access to the courts; 4) right of access to incoming mail containing internet generated downloaded material text prints of legal citation decisions, resources and informations and others which were not available in the KCF law library.

General Counsel Thomas and others have supported the KCF SOP Number VII-6 dated 2003 and other custom policy against inmates in State of Alabama and deprived Inmate Egbuonu of his constitutional right and caused Inmate Egbuonu to suffer irreparable harm and injury. Ex. 2, 3, 41-42, 44-48, 53-58, 61-62, 68, 71-73, 81, 83, 87, 93, 100-107, and Def. Ex. 10

Genuine issue of material fact existed as to whether the General Counsel Thomas acted alone and did not advise the OPR and other prior to the enactment of the KCF SOP Number VII-6 in 2003 and or Whether the enactment of the KCP SOP Number VII-6 in 2003 was solely based on the advise or misadvise of the General Counsel Thomas and or both the OPR and General Counsel Thomas or General Counsel at the time have worked together agreed to enactment of KOP SOP Number VII-6 as with respect of Inmate Egbuonu's civil complaint? Ex. 3, 4, 5, 100, 107 and Def. Ex. 10

Genuine issue of material fact existed as whether based on the General Counsel advise the OPR and others did rely on old ALDOC AR and or KCF SOP manual(s) to denied Inmate Egbuonu access to internet material text prints containing legal citation decisions that were not available in the institution law library, and in fact KCP SOP VII-6 (II)(A)(3) superseded the 2005 ALDOC AR ? Ex. 100-14, 106-107 and Def. Ex. 10

Inmate Egbuonu states that General Counsel Thomas advise or misadvise to the OPR and others and enacted KCP SOP VII-6 were the moving force behind Inmate Egbuonu's constitutional rights violations when Inmate Egbuonu was denied access to legal materials and in doing so denied him access to the court.

General Counsel Thomas accepted the Lexis Nexis contract with ALDOC System to provide legal material DVD formats on a quarterly basis to the KCF institution law library two desktop computer database for the law librarian clerk, Def. Ex. 3, 4, 5 however supported the KCF policy that denied inmates access from receiving incoming mail containing internet material text prints format from Lexis Nexis and West Laws legal citation decisions which were not available in the KCF law library. EX. 2, 44-48, 61, 81, 83

Inmate Egbuonu states that General Counsel Thomas advise to OPR and others as relate to internet prohibit policy was arbitrary and unjustifiable when he failed to advise the OPR and others to abide by established procedures or standards and constitution and evince improper objective and was not done for legitimate and neutral reasons. Inmate Egbuonu next states that he failed to see how complete denial of access to constitutional protected education materials (regardless of behavior) further behavior management or rehabilitation.\*

Inmate Egbuonu further states he fail to see as to alternative means of exercising the stated above right access through inadequate law library and legal assistance is not an adequate substitute for reading internet generated downloaded material text prints

General Counsel Thomas has made no effort to explain why incoming mail containing internet generated downloaded material text prints are more susceptible to being used to deliver contraband than other items such as printed text materials form computer and photocopies from a text book.

Inmate Egbuonu states there would not seem to be much of a penological interest in prohibiting access to internet downloaded material text prints but not books, computer word processor material text, magazine, television, radio and other programs containing similar contents that inmates have access to.

The General Counsel of ALDOC in the past and present have offered no justification on the behalf of ALDOC/KCF for enforcement of the regulation restricting access to internet material text prints, access to internet material of out of state legal citation decisions and its accompanying text prints, access to which were not available at the KCF law library, in doing so under his advise or misadvise enforced internet prohibit policy denied Inmate Egbuonu access to legal materials and access to the court despite it was entirely foreseeable that denial and arbitrary denial of the out of state legal citation decisions cited by the Alabama State Judicial System would Inmate Egbuonu's ability to prepare his petition and commence his pleading before the federal courts. Ex. 44-48, 61, 81, 83, 38

General Counsel Thomas as a general counsel of ALDOC LD in his filed affidavit did not explain why other prison systems can get along without such restrictive rules prohibiting inmates like Inmate Egbuonu from receiving incoming mails containing internet material text prints but the KCF in Alabama State can't.

Indeed, the failure of General Thomas to explain why other institutions with the same compelling interests was able to accommodate the same internet material text prints may constitute a failure to establish that General Counsel Thomas and others were using the least restrictive. Moreso, General Counsel Thomas and



others fails to explain why it does not have a similarly restrictive policy enforce on other computer material text prints and media since the interest in whatever it may be are no less compelling for computer material text print and media.

General Counsel Thomas under his advise or misadvise to OPR and others forced inmates like Inmate Egbuonu to choose between following his First and Fourteenth rights and belief or abandoning them satisfies the irreparable harm and injury, and the balance of hardship favors the Inmate Egbuonu and General Counsel Thomas violated Inmate Egbuonu's First and Fourteenth constitute irreparable harm and injury.

Inmate Egbuonu has never violated any of the ALDOC AR policy, custom, rules and regulations and prison officials and others have not stated otherwise or prove the same. Ex. 28

At no time were sanctions, citations, denial, disciplinary actions issued to Inmate Egbuonu by prison officials and others for: 1) filing any false statement or complaint for the stated above described constitutional obligations; 2) failure to follow direct prison order; 3) failure to follow law librarian clerk order; 4) failure to request/file access to legal materials and law library form N944L i when available and provided to him; 5) filing any false allegation against prison official, contractor and law law librarian; 6) violating of any ALDOC AR rules or regulations. EX. 2, 28, 44-48, 53-58, 61, 67-68, 83-87, 93, 100-107, and Def. Ex. 11, 12

General Counsel Thomas and others are responsible for the deficiency of the internet material mail and law library and legal materials policies, customs and regulation because of his advise

or misadvise and they instituted that system, defined the obligations of the stated above described access denial, and as a result, the General Counsel Thomas and others are liable for their own actions which impeded the Inmate Egbuonu's access to the incoming mails containing internet material text prints, legal material, adequate law library, access to the court and Inmate Egbuonu's actual irreparable harm and injury.

General Counsel Thomas and others facilitate OPR and other prison official conducts, approve it, condone it and turn a blind eye for fear of what he might see in other words act either knowingly or with deliberate reckless indifference when he failed to response to Inmate Egbuonu's complaint letter or intervene and correct the unconstitutional conduct by his prison officials and contractors. Ex. 67, 83.

Inmate Egbuonu's evidences before the court is not only believable prior to discovery, but compelling that General Thomas and others were aware, possessed knowledge that Inmate Egbuonu have never been to, nor had contact with the State of Alabama, was falsely labelled fugitive from Alabama in the 21st Century and extradited to Alabama inconsistent with Federal laws and constitution of the United States and Universal Declaration of Human Rights subjected to trial before the Alabama State Tribunal pursuant to the Alabama State Code § 13A-8-196 with the hometown jury of the Alabama State's accuser where no crime or element of crime was committed. Ex. 3, 4, 12, 14, 15-18, 27, 30, 98

General Counsel Thomas was aware and possessed knowledge that Inmate Egbuonu was tried in the Alabama State in absence of

the constitutional due process and jurisdiction of the United States irrespective that the constitution mandate criminal trial shall be held where crime was committed. Ex. 3, 4, 12, 14, 15-18, 27, 30, 67, 97, 98 , U.S.C Article I, III, IV, VI and U.S.C. Amendments 5, 6, 8.

General Counsel Thomas worked alone and together with others to denied deprived Inmate Egbuonu the legal citation decisions he requested that he needed to conduct research prepare file his exhausted state's writ before the Federal Court and also denied him access to receive incoming mail containing internet generated downloaded material text prints in part including the legal material decisions that Inmate Egbuonu requested which were not available in the institution law library . Ex. 44-48, 51-56, 67, 83

General Counsel Thomas was aware and possessed knowledge of the stated above described and took every step necessary to prohibit Inmate Egbuonu from informing or notifying the federal court timely about the State of Alabama new enacted code § 13A-8-196 which is in contrary to Federal laws and constitution of United States, International Treaties and Universal Declaration of Human Rights, and as a result of his actions and inactions, Inmate Egbuonu have suffered irreparable harm and injury and damages and loss and continuous incarceration and detention.

Inmate Egbuonu re-alleges and incorporates by references: General Counsel Thomas failure to fulfill and meet the stated above described constitutional obligations and failed to proper advise the OPR and others; Inmate Egbuonu's attached evidence

Thomas

exhibits; filed civil complaints; and Inmate Egbuonu's response General Counsel Kim Thomas's Special Report and Answer and Affidavits and states that General Counsel Kim Thomas has violated Inmate Egbuonu's First and Fourteenth Amendments constitutional rights, Federal and States laws and regulations respectively as with respect to Inmate Egbuonu's claim for relief and has engaged in intentional or reckless conduct, the conduct extreme and outrageous, the conduct caused the Inmate Egbuonu sleeplessness, emotional distress, damages, economic and non-economic loss and was severe. General Counsel Thomas has worked alone and together with others to form a custom policy which violates Inmate Egbuonu's First and Fourteenth Amendments' constitutional rights, Federal and State laws and regulations respectively in all manner.

Egbuonu Zephyr

Zephyrinus Egbuonu  
(Acting Pro-Se)

STATE OF LOUISIANA

OAKDALE, LOUISIANA

Sworn to and subscribed before and under my hand official seal this the 10<sup>TH</sup> day of March, 2008.

[Signature]  
Notary Public

My Commission expires: at death

CERTIFICATE OF SERVICE

I hereby certify that I have this 19th day of March, 2008 served a copy of the forgoing attached, by first-class United States Mail, postage prepaid and addressed upon the following:

Tara S. Knee

Assistant Attorney General

Assistant General Counsel

Alabama Department of Corrections

Legal Division

Post Office Box 301501

Montgomery, Alabama 36130-1501

Egbuonu Zephyr.

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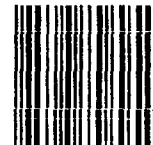
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